

Mr. Robertson moved to make the bill the order for to-morrow. Lost.

Mr. Latimer asked leave to withdraw his substitute offered on a previous day for the seventh section.

Mr. Grimes moved that the Senate adjourn until 9 o'clock to-morrow morning.

Upon which, the yeas and nays stood as follows:

Yeas : Messrs. Burleson, Campbell, Gage, Grimes, Hart, Latimer, Moffett, Parker, Taylor, Truit, Van Derlip, Ward and Wallace—12.

Nays : Messrs. Brashear, Cooke, Davis, Kinney, Portis and Robertson—6.

So the Senate adjourned.

FRIDAY, August 30, 1850.

Senate met—roll called—President *pro tem.* in the chair—Senators present :

Messrs. Brashear, Cooke, Campbell, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace—quorum present.

The journals of yesterday were read and adopted.

Mr. Hart presented the petition of the citizens of Mercer's colony ; referred to the committee on Public Lands, without reading.

Mr. Campbell presented the petition of the citizens of Mercer's colony ; referred to the committee on Public Lands, without reading.

Mr. Truit presented the petition of the citizens of Shelby county ; referred to the committee on County and County Boundaries, without reading.

Mr. Latimer, chairman of the committee on Internal Improvements, made the following report :

Your committee on Internal Improvements have had under consideration a bill to be entitled an act to incorporate the Trinity Plank Road Company ; and have directed me to report the same back to the Senate, with an amendment to the second section, and recommend its adoption and the passage of the bill, all of which is respectfully submitted.

Amendment to come in at the end of the second section :

"And shall not be laid out so as to interfere with the road as now used."

Mr. Robertson introduced a bill for the relief of James Hall, administrator of Richard Hall, deceased ; read first time.

Rule suspended, bill read second time and ordered to be engrossed.

On motion of Mr. Portis, the rule was further suspended ; read third time and passed.

Mr. Burleson introduced a bill for the relief of the citizens of Gillespie county ; read first time.

Rule suspended, bill read second time.

On motion of Mr. Latimer, referred to the committee on the Judiciary.

A message was received from the House of Representatives, through Mr. Hampton, their Chief Clerk, informing the Senate, that the House had passed the following bills :

A bill to define the time of holding the courts in the eighth judicial district.

A bill to change the time of holding an election for the county seat of the county of Tarrant, and appointing a place for holding the courts for said county, until the county seat is located ; also,

A bill making an appropriation of money for the erection of a Fire-proof Land Office, which originated in the Senate, with the following amendments :

1st Amendment.

In the 2d and 3d lines of section 1, strike out "fifteen thousand," and insert "ten thousand."

2d Amendment.

Strike out all of the 1st section after the word "necessary," in the 4th line, to the word "to," in 7th line of same section, and insert "out of any money which may come into the Treasury, by the sale of lots belonging to the State, in the city of Austin."

3d Amendment.

Insert the following as the 5th section, and make the 5th section in the bill section 6.

Section 5. That the Commissioner of the Land Office be, and he is hereby authorized to use any note or notes, that may be given for the purchase of public lots in the city of Austin, in paying for the erection of the building herein contemplated ; provided said notes can be used at par.

On motion of Mr. Van Derlip, the bill under consideration when the Senate adjourned on yesterday, being bill No. 1, reported from the joint select committee, was laid on the table until 4 o'clock, P. M.

Mr. McRae introduced the following resolution :

Resolved, That the committee on the Judiciary be instructed to report a bill, prohibiting assessors and collectors from acting, until they are duly commissioned.

On motion, the rule was suspended and resolution adopted.

On motion of Mr. Latimer, a bill requiring the Governor to submit any proposition that may be made by the Government of the United States to the State of Texas, for the purchase of a portion of her north western territory, to the people; was taken up.

Mr. Van Derlip offered the following as a substitute for the 3d and 4th sections :

Be it further enacted, That it shall be the duty of the Chief Justices of the several counties to seal up and transmit to the office of the Secretary of State, a statement of the number of votes polled for and against such propositions, and certify the same with the seal of their office attached, which statements shall be endorsed election returns, for the county of .

Be it further enacted, That days after the holding of said election, the Secretary of State, the Comptroller of Public Accounts and the Commissioner of the General Land Office, shall, in the presence of the Governor, open and compare said returns, and estimate the result, and if it shall be ascertained that a majority of the electors voting, shall have voted in favor of said propositions, then and in that case, said propositions shall be binding upon this State, and the assent of the Legislature is hereby given to the same, and it shall be the duty of the Governor to notify the President of the United States of the assent and acceptance of said propositions by the State of Texas.

Upon which, the yeas and nays were called, and stood thus :

Yeas : Messrs. Burleson, Cooke, Davis, Kinney, Portis, Robertson and Van Derlip—7.

Nays: Messrs. Brashear, Campbell, Grimes, Hart, Latimer, McRae, Moffett, Parker, Taylor, Truit, Ward and Wallace—12.

The question being on the engrossment of the bill, was put and carried.

On motion the rule was suspended and the bill read third time and passed, by the following vote :

Yeas : Messrs. Brashear, Burleson, Cooke, Campbell, Grimes, Hart, Latimer, McRae, Moffett, Parker, Taylor, Truit, Ward and Wallace—14.

Nays : Messrs. Davis, Kinney, Portis, Robertson and Truit—5.

Mr. Taylor, from the committee on Engrossed Bills, made the following report :

A bill to prescribe the time of holding the district courts in the eleventh judicial district, and find the same correctly engrossed.

On motion of Mr. Brashear, the Senate proceeded to the election of Engrossing Clerk, to fill the vacancy occasioned by the absence of W. T. Cake.

Nominations being in order,

Mr. McRae nominated F. M. Harris.

Mr. Robertson nominated Mr. John Goodlett.

Messrs. Davis and McRae, were appointed tellers.

On counting the ballot, Mr. Harris received 14 votes.

“ Goodlett “ 3 “

Mr. Harris having received a majority of all the votes, was declared duly elected Engrossing Clerk of the Senate, who came forward and took the oath prescribed by the constitution.

Mr. Brashear presented the petition of M. B. Menard, accompanied by a bill to change the names of Helen Bass, and Clara Bass to that of Helen Menard and Clara Menard; read first time.

Rule suspended, bill read second time and ordered to be engrossed.

Mr. Brashear offered a further suspension of the rule, bill read third time and passed.

On motion of Mr. Davis, the bill to confirm land titles west of the Nueces river, was taken up and read, and ordered to be engrossed.

Mr. Robertson offered a further suspension of the rule.

On motion of Mr. Hart, the Senate adjourned until 4 o'clock P. M.

—
4 O'CLOCK, P. M.

Senate met—roll called—quorum present.

An act for organizing the militia of the State of Texas, being made the special order for this hour.

Leave was granted to Mr. Latimer to withdraw his amendment.

Mr. Robertson offered the following amendment, which was adopted.

Amendment to first section.

Strike out all from the word “ called,” in the third line, to “ State,” in the fourth line, inclusive, and insert the following, “ have organized and ready for service.”

Proviso to fourth section.

" *Provided*, That no officer or volunteer authorized to be organized by this act, shall receive pay until he shall have been mustered into the actual service of the State, that is to say, until they shall be called into the field."

Amendment to sixth section.

Strike out the words "called into the service," in the fifth line, and insert the following, "to have organized and ready for service."

Proviso to seventh section.

" *And provided further*, That in no event, shall said troops be called into actual service before the first day of January, 1851.

Mr. Wallace moved to strike out "1st of January," and insert "15th February."

Mr. Hart moved to strike out "1st of January," and insert "4th of March."

A call of the Senate was had.

Mr. Robertson moved a suspension of the call. Carried.

The yeas and nays were then called on Mr. Hart's motion to strike out "1st of January," and insert "4th of March, 1851," and stood thus :

Yeas : Messrs. Campbell, Grimes, Hart, McRae, Moffett, Parker, Truit, Ward and Wallace—9.

Nays : Messrs. Brashear, Burleson, Cooke, Davis, Kinney, Latimer, Portis, Robertson, Taylor and Van Derlip--10. Lost.

The question then recurred on Mr. Wallace's motion to strike out "1st of January," and insert "15th February, 1851."

Yeas and nays being called for, were as follows :

Yeas : Messrs. Campbell, Grimes, Hart, Latimer, McRae, Moffett, Parker, Taylor, Truit, Ward and Wallace—11.

Nays : Messrs. Brashear, Burleson, Cooke, Davis, Kinney, Portis, Robertson and Van Derlip—8. Carried.

On motion of Mr. Taylor to lay the bill on the table until to-morrow, the yeas and nays stood as follows :

Yeas : Messrs. Campbell, Hart, Moffett, Taylor, Van Derlip, Ward and Wallace—7.

Nays : Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Kinney, Latimer, McRae, Parker, Portis, Robertson and Truit—12

The Senate refused to lay the bill on the table.

On motion of Mr. Grimes to strike out 1st proviso to section 7, the yeas and nays stood thus :

Yeas : Messrs. Burleson, Grimes, McRae, Moffett, Taylor and Truit—6.

Nays : Messrs. Brashear, Cooke, Campbell, Davis, Hart, Kinney, Latimer, Parker, Portis, Robertson, Van Derlip, Ward and Wallace—13.

Mr. Wallace moved to lay the bill on the table until to-morrow.

The yeas and nays being called for, stood as follows :

Yeas : Messrs. Campbell, Hart, Moffett, Parker, Taylor, Ward and Wallace—7.

Nays : Messrs. Brashear, Burleson, Cooke, Davis, Grimes, Kinney, Latimer, McRae, Portis, Robertson, Truit and Van Derlip—12.

The question being on the engrossment of the bill, the yeas and nays were as follows :

Yeas : Messrs. Burleson, Davis, Gage, Kinney, Latimer, Portis, Robertson, Taylor, Truit, Van Derlip and Ward—11.

Nays : Messrs. Brashear, Cooke, Campbell, Grimes, Hart, McRae, Moffett, Parker and Wallace—9 Carried.

Mr. Robertson withdrew, by leave, his motion to suspend the rule ; the bill under consideration, being the confirmation of land titles west of the Nueces river, on adjournment until 4 o'clock.

Mr. Kinney, chairman of the committee on Indian Affairs, made the following report :

COMMITTEE ROOM, }
August 30th, 1850. }

HON. E. BURLESON,

President pro tem. of the Senate :

The committee on Indian Affairs, to whom was referred the several resolutions relating to the defence of our frontier and the removal of our Indian tribes, have had the same under consideration, and have instructed me to report.

Since the adjournment of the last Legislature, on the 11th day of February, 1850, authentic information has been adduced before the committee of the killing and massacreing of seventy-one citizens of Texas by the Indians. The names of the unfortunate victims have been registered by one of the committee. So great a destruction of life, attended by so many horrible circumstances, together with the destruction of valuable property, consequent upon all Indian depredations, excites at once the liveliest and most painful solicitude of the citizens of our State; and requires, in the opinion of the committee, the use of all the resources of the State, to alleviate the misfortunes and protect the

lives and property of the citizens of our extensive and exposed frontier.

Petitions and remonstrance have from time to time been presented by the Legislature and people of Texas, to the authorities at Washington, for that protection to which we have thought ourselves justly entitled under the constitution and laws of the United States ; but thus far, we are grieved to know that our remonstrances and petitions have received from the Government of the United States the most insulting incredulity, or still more aggravating and senseless disquisitions upon the powers and duties of the General Government, in reference to the Indian tribes within our borders. It is a historical fact, that all the tribes of Indians now in our limits are migratory bands from the various tribes of the United States. The original tribes inhabiting Texas, have either perished in war with our inhabitants—by disease, or been driven beyond our borders. Those which now infest us, have either migrated since our independence, from Mexico, and in violation of treaty stipulations with her, before our separation ; in either event, we have thought the United States bound to restrain them, and responsible for their depredations. The United States, however, insist, that as Texas owns the domain within her undefined limits, unless she will cede or surrender a portion of it for Indian purposes, they cannot restrain them within her limits. Texas pledged her domain for the payment of her public debts, and the claim which the United States has lately asserted to one-half that domain, renders it extremely problematical, whether, after satisfying the land-warrants due, previous to annexation, there will remain any public domain at her disposition. The United States have received our arms and munitions of war, without any just equivalent, and we certainly have felt ourselves entitled to her protection. This, however, has been withheld. We must rely for security and protection upon the stout hearts and strong arms of the youth of our State.

The committee, therefore, are of the opinion that it is the duty of the Legislature to invest the Governor with power to call for an adequate number of volunteers to chastise the Indians, and that any money in the Treasury, not otherwise appropriated, be placed at his disposal for frontier defence. It may, perhaps, be as it has been urged, that the United States have already, large bodies of troops stationed among us. These, it must be known to the Government, are utterly useless, except for the protection of the immediate posts at which they are established. Every attempt which has been made to pursue or chastise the Indians by them, except in two or three instances, in

which the United States dragoons were encountered, has resulted in defeat or failure. It affords us no satisfaction to mention the instances in which the gallant officers of the United States have poured out their blood in vain attempts to operate with inefficient and useless infantry. Their condition upon our frontier, is one of martyrdom, and their valuable lives are being yielded upon the altar of Government prejudice. The cry of the widow and the orphan, the scream of the victim of savage barbarity, are in no degree assuaged by the incredulity and injustice of a great, rich and powerful government. A solemn responsibility rests upon us, and the use of all our means, alone, relieves us from that responsibility.

The committee have, therefore, instructed me to report a bill corresponding with our suggestions, and recommend its passage.

H. L. KINNEY,
ISAAC PARKER,
H. CLAY DAVIS,
E. BURLESON,
A. M. TRUIT,
DAVID Y. PORTIS,
Committee.

A bill to authorize the Governor to call out the militia for frontier protection; read first time.

On motion of Mr. Hart, the Senate adjourned until 9 o'clock, A. M. to-morrow.

SATURDAY, August 31, 1850.

Senate met—roll called, President *pro tem.* in the chair—the following Senators answered to their names :

Messrs : Brashear, Cooke, Campbell, Davis, Gage, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Parker, Portis, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace—quorum present.

The journals of yesterday were read and adopted.

Mr. Parker presented the petition of the citizens of Mercer's and Peters' colony, and on motion of Mr. Parker, referred to committee on Public Lands.

Mr. Moffett, chairman of the committee on Engrossed Bills, re-